

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION**

**MDL NO. 2327**

**THIS DOCUMENT RELATES TO ALL CASES**

**DAVID P. MATTHEWS' APPLICATION FOR APPOINTMENT  
TO THE PLAINTIFFS' STEERING COMMITTEE**

In accordance with Paragraph 19 of Pretrial Order No. 1, David P. Matthews files this Application for Appointment to the Plaintiffs' Steering Committee and in support, states as follows:

I am the founder of Matthews & Associates in Houston, Texas. I have been practicing law for over 24 years. My firm presently has 10 attorneys and over 60 staff dedicated to pharmaceutical and device litigation, including doctors, nurses, paralegals, law clerks, investigators, and IT support personnel.

We are reviewing over 3500 pelvic mesh clients across the country, with cases pending against all four major defendants in various jurisdictions. We have received referrals from and are coordinating with law firms throughout the United States and Puerto Rico. We anticipate additional referrals from those and other law firms, in addition to direct cases. We have provided our intake forms and client questionnaire to numerous law firms nationwide to ensure that each firm is able to get the information needed to make an accurate evaluation of their potential cases.

Matthews & Associates currently has a transvaginal mesh case pending in Harris County District Court against AMS with a court-ordered preferential trial setting of February 25, 2013. Discovery has commenced in that case and we have already retained experts necessary for trial.

I have represented thousands of clients in pharmaceutical products liability and medical device MDLs and have served in various leadership capacities and committees in those MDLs, including: member of the Trasyolol PSC, Zyprexa PSC, the Texas State Vioxx MDL PSC (where I was also appointed to create and maintain the Texas Depository of Records), and the Science Committee of the Vioxx federal MDL. I served an active role in the Guidant, Medtronic, DePuy litigations and also am an active participant in plaintiffs' counsel group in the Reglan litigation, where there is no MDL or formal steering committee. Thus, I have become familiar with the duties and responsibilities of counsel in complex litigation and mass torts and have gained a thorough understanding of the Manual for Complex Litigation.

I previously handled the largest Rezulin docket in the country, retaining multiple experts essential to building a solid case. I likewise retained an experienced consortium of experts in Fen-Phen, Vioxx, Trasyolol, Reglan, Guidant, Medtronic, Zimmer Knee, DePuy Hip, and other pharmaceutical and device litigation, all available to help build a proper prosecution and settlement in the Pelvic Repair Systems Products Liability Litigation.

I am admitted to practice before all state courts in New York, Pennsylvania, Mississippi, and Texas, where I am Board Certified in Personal Injury Trial Law. I am also admitted to practice in all United States District Courts in Texas, the Southern District of Mississippi, and the Southern District of New York. I am Martindale-Hubble A-V rated, a member of the American Board of Trial Advocates, American Association for Justice, Texas Trial Lawyers Association, Houston Trial Lawyers Association, Pennsylvania Trial Lawyers Association, and have tried more than 120 cases to verdict. I am also a guest lecturer at Rice University, where I give an annual lecture on drug design and FDA regulation.

More recently, my firm represented to successful conclusion over 1900 Vioxx clients (lawsuits including 300 in the Texas MDL, 100 in the Superior Court of New Jersey MDL, and 1500 in the Federal MDL), 1500 Avandia clients, 3800 Seroquel clients, 250 Guidant clients, and 300 Medtronic Sprint Fidelis lead clients. Matthews & Associates has distinguished itself as particularly well-suited for helping clients involved in pharmaceutical and medical device mass tort cases, having represented thousands of clients with claims including Fen-Phen, Rezulin, PPA, OxyContin, Vioxx, Celebrex, Bextra, Zyprexa, Avandia, Gadolinium, Seroquel, Fosamax, Trasylol, Yaz/Yasmin, ASR DePuy Hip, Pinnacle DePuy Hip, and Zimmer Knee products liability litigation. More specifically, my firm and I have served our American and Puerto Rican clients in over 26 MDL dockets. We have worked with virtually every mass tort firm in the country and enjoy strategizing and participating with others to reach the best possible outcome.

I believe my reputation for working cooperatively with other attorneys is evidenced by the foregoing. I have the resources, willingness, and availability to commit to this important project.

/s/ David P. Matthews  
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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF system which will send notification of such filing to the CM/ECF participants to receive service in this MDL.

/s/ David P. Matthews

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